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In re Application of	:
Pierre, et al.	:
Serial No.: 10/550,549	:
PCT No.: PCT/FR04/00693	:
Int. Filing Date: 22 March 2004	:
Priority Date: 27 March 2003	:
Attorney's Docket No.: Q90434	:
For: FLUID PRODUCT DISPENSER	:

DECISION

This decision is responsive to the "REQUEST FOR WITHDRAWAL OF APPLICATION FROM EXAMINATION AND REQUEST FOR REFUND" filed 08 December 2005.

**BACKGROUND**

On 22 March 2004, applicants filed international application PCT/FR0400693, which claimed priority of an earlier French application filed 27 March 2003.

On 26 September 2005, applicants filed the a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a translation, a preliminary amendment, and IDS and a check for the basic national fee. These papers were assigned Application No. 10/550,549.

On 08 December 2005, applicant filed the current petition.

## DISCUSSION

PCT Article 24 states, in part:

Subject, in case (ii) below, to the provisions of Article 25, the effect of the international application provided for in Article 11(3) shall cease in any designated State with the same consequences as the withdrawal of any national application in that State:

- (i) if the applicant withdraws his international application or the designation of that State

35 U.S.C. 366 states, in part:

Subject to section 367 of this part, if an international application designating the United States is withdrawn or considered withdrawn, either generally or as to the United States, under the conditions of the treaty and the Regulations, before the applicant has complied with the applicable requirements prescribed by section 371(c) of this part, the designation of the United States shall have no effect after the date of withdrawal and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, filed before the date of such withdrawal. However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b) of this part, if it designated a country other than the United States.

37 CFR 1.26 states, in part:

The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.

Applicants withdrew the designation of the United States on 22 July 2004. Therefore, applicants were not entitled to file an application in the United States. Accordingly, the fees were paid by mistake and applicant is entitled to a refund.

## CONCLUSION

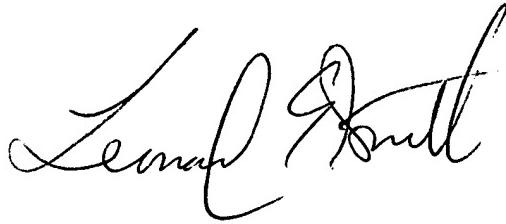
The request to withdraw the application is **GRANTED** as to the National Stage in the United States of America.

The request for refund is **GRANTED**. Applicant's deposit account #**19-4880** has been **CREDITED** in the amount of **\$900**.



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